



ATTORNEY'S DOCKET NUMBER: 2003080-0082 (SK-744-CON3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Danishefsky *et al.*

Serial No.: 09/874,514

Filing Date: June 5, 2001

Title: SYNTHESIS OF EPOTHILONES, INTERMEDIATES THERETO,
ANALOGUES AND USES THEREOF

Examiner: T. Solola

Art Unit: 1626

TECH CENTER 1600/2900

JUL 24 2002

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Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail in an envelope addressed to: Assistant
Commissioner For Patents, Washington, D.C. 20231
on July 16, 2002

[Signature]

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants
request consideration of this Supplemental Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

(Select A, B, C or D below)

- A. ☐ This Supplemental Information Disclosure Statement has been filed:
- ☐ within three months of the filing date of the above identified U.S. Patent
application other than a continued prosecution application under § 1.53(d);
 - ☐ within three months of the filing date of the entry of the National Stage, as set
forth in 37 C.F.R. §1.491, in an International application;
 - ☐ before the mailing date of the first Office Action on the merits in the above-
identified application; or
 - ☐ before the mailing of a first Office Action after the filing of a request for
continued examination under § 1.114.

No fee or certification is required.

Ref. not
vald.

07/24/2002 AOSMAN1 00000043 09874514

01 FC:126
02 FC:046

180.00 OP
55.00 OP

B. ☒ This Supplemental Information Disclosure Statement has been filed more than three months after the filing date of the present application and after the mailing date of the first Office Action, but before the mailing date of any of a final action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application, and:

(check 1 or 2 below)

1. ☒ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed, OR
2. ☐ The Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that
(check a or b below)

- a. ☐ each item of information contained in this Supplemental Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of the Supplemental Information Disclosure Statement; or
- b. ☐ no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Supplemental Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

C. ☐ This Supplemental Information Disclosure Statement has been filed after the mailing date of either a Final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and on or before payment of the Issue Fee.

1. The Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that:
 - a. ☐ each item of information contained in this Supplemental Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three

months prior to the filing of the Supplemental Information Disclosure Statement; or

- b. ☐ no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Supplemental Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement; AND
2. The Petition Fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.

- D. ☐ This Supplemental Information Disclosure Statement does not comply with any of the provisions set forth above, or is being submitted after the payment of the issue fee; however, Applicants respectfully request that the Statement be placed in the above-referenced file.

PART II - 37 CFR § 1.98 Content of Supplemental Information Disclosure Statement:

- [X] A. Applicants hereby make of record in the above-identified application all patents, publications, applications or other information submitted for consideration by the Office listed on the attached form PTO-1449 (modified). The order of presentation of the patents, publications, applications or other information should not be construed as an indication of the importance. Applicants have provided a legible copy of:
- each U.S. patent application publication;
 - each U.S. foreign patent;
 - each publication or that portion which caused it to be listed;
 - each pending U.S. application (including the application specification including the claims and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion); and
 - other information or that portion which caused it to be listed.

For each patent, publication, or other information listed that is not in the English language, the following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

Alternatively, if a written English-language translation of a non-English-language document, or portion thereof, is within the possession, or control of, or is readily available to any individual designated in § 1.56(c), a copy of the translation is provided herein as identified:

[] B. The Applicants hereby make the following additional information of record in the above-identified application:

PART IV: Remarks

A copy of each of the above-identified U.S. and foreign patent(s), publication(s), application(s) or other information submitted is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s), publication(s), application(s), or other information be printed on any patent which issues from this application.

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more material information may not exist.

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited materials. An early and favorable action is hereby requested.

Respectfully submitted,

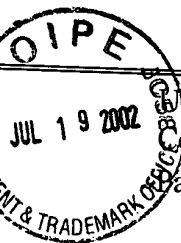


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Form PTO-1449

(REV. 8-83)

U.S. Department of
Commerce
Patent and Trademark OfficeAtty. Docket:
2003080-0082In re Application No.
09/874,514

Applicant: Danishefsky, et al.

Filing Date:
June 5, 2001Group:
1626**INFORMATION DISCLOSURE STATEMENT**

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass
	6,303,342	Julien	Oct. 16, 2001		
	6,303,767	Betlach	Oct. 16, 2001		
	6,350,878	Altmann	Feb. 26, 2002		
	6,359,140	Hofle	Mar. 19, 2002		
	6,365,749	Kim	Apr. 2, 2002		
	6,369,234	Danishefsky	Apr. 9, 2002		
	6,380,227	Mutz	Apr. 30, 2002		
	6,380,394	Nicholaou	Apr. 30, 2002		
	6,380,395	Vite	Apr. 30, 2002		
	6,383,787	Schupp	May 7, 2002		
	6,384,230	Mulzer	May 7, 2002		
	6,387,927	Altmann	May 14, 2002		
	6,399,638	Vite	Jun. 4, 2002		
	6,410,301	Julien	Jun. 25, 2002		

U.S. PATENT APPLICATIONS

Examiner's Initials:	Serial Number:	Applicant:	Filing Date:	Group:	Art Unit:
	60/032,864	Nicolaou, et al.	December 13, 1996		
	08/856,533	Nicolaou, et al.	May 14, 1997		
	08/923,869	Nicolaou, et al.	September 4, 1997		
	10/004,571	Danshefsky, et al.	March 17, 2000		
	2001/0031880	Borzilleri, et al.	April 16, 2001		
	2001/0034452	Hoefle, et al.	December 4, 2001		
	2001/0051356	Khosla	December 12, 2000		
	2002/0002194	Danishefsky, et al.	June 5, 2001		
	2002/0002162	Lee	March 26, 2001		

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Form PTO-1449

(REV. 8-83)

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Group:
1626

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(Use several sheets if necessary)

	2002/0004229	Santi, et al.	May 1, 2001		
	2002/0010328	Reeves et al.	April 3, 2001		
	2002/0028839	O'Reilly, et al.	August 9, 2001		
	2002/0042109	Vite, et al.	March 19, 2001		
	2002/0045220	Khosla, et al.	February 28, 2001		
	2002/0045609	Ashley, et al.	May 15, 2001		
	2002/0052028	Santi, et al.	August 9, 2001		
	2002/0058286	Danishefsky, et al.	March 1, 2001		
	2002/0058817	Danishefsky, et al.	March 1, 2001		
	2002/0062030	White, et al.	April 30, 2001		
	2002/0065295	Chu, et al.	May 10, 2001		
	2002/0091269	Avery	October 15, 2001		

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No
	WO 93/10121	WO	27 May 1993		
	WO 95/03035	WO	02 February 1995		
	WO 98/22461	WO	18 November 1997		
	WO 98/38192	WO	3 September 1998		
	WO 99/01124	WO	14 January 1999		
	WO 99/03848	WO	28 January 1999		
	WO 99/07692	WO	18 February 1999		
	WO 99/27890	WO	10 June 1999		
	WO 99/28324	WO	10 June 1999		

OTHER DOCUMENTS

Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)

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